



Journal of the Senate

Number 7

Tuesday, April 17, 1979

The Senate was called to order by Senator Carlucci at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3. Senator Myers represented the Committee on Rules and Calendar and Senator Henderson represented the Minority Party.

INTRODUCTION

By Senator Jenne—

SB 803—A bill to be entitled An act relating to the towing of motor vehicles; amending s. 713.78, Florida Statutes; providing that any person engaged in the business of towing motor vehicles shall have a lien for towing and storage of, and shall not be liable for damage to, such vehicles under certain circumstances; amending s. 715.07(1), (2), Florida Statutes; providing certain restrictions on the removal, towing, or storage of vehicles; prohibiting entry into a vehicle for the purpose of removing it; requiring that any vehicle that has been towed or removed must be released to its owner or custodian within a specified time; prohibiting any requirement of a waiver or release as a condition for vehicle release; requiring a receipt for towing or storage charges; deleting provision requiring any person who causes a vehicle to be removed from property to inform the owner or lessor of such vehicle, upon request, of the name and location of the person who removed it; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator McClain—

SB 804—A bill to be entitled An act relating to domestic relations; repealing s. 61.181(2), Florida Statutes, which provides for a fee for the handling of support, alimony, or maintenance payments through a central enforcement system; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Skinner—

SB 805—A bill to be entitled An act relating to railroads; amending s. 860.05, Florida Statutes; prohibiting certain interference with railroad trains; providing penalties; amending s. 860.08, Florida Statutes; prohibiting certain interference with railroad signals; providing penalties; amending s. 860.09, Florida Statutes; prohibiting interference with railroad track, switches, or other equipment; providing penalties; creating s. 860.18, Florida Statutes; prohibiting trespass against railroad property; providing penalties; providing that a violator who is injured is barred from recovering certain damages therefor; creating s. 860.19, Florida Statutes; prohibiting shooting at, throwing certain objects at, or placing certain objects in the path of, a railroad vehicle; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Senator Tobiassen—

SB 806—A bill to be entitled An act relating to retirement and pension systems; amending ss. 122.15, 175.241, 185.25, Florida Statutes; authorizing members of the State and County Retirement System, Municipal Firemen's Pension Trust Fund, and Municipal Police Officers' Retirement Trust Fund to

pledge accumulated contributions as security for loans made by certain credit unions; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Ware—

SB 807—A bill to be entitled An act relating to automobile liability insurance; amending s. 627.727(1), Florida Statutes, 1978 Supplement; providing that uninsured vehicle coverage shall not be set off against other coverage; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Williamson—

SB 808—A bill to be entitled An act relating to the district school system; amending s. 230.23(9)(b), Florida Statutes, 1978 Supplement, to delete certain restrictions on lease or lease-purchase arrangements between school boards and private individuals or corporations; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Williamson—

SB 809—A bill to be entitled An act relating to taxation; amending s. 210.01(1), Florida Statutes; redefining, for purposes of the tax on cigarettes, "cigarette" to include any roll for smoking made of any substance; amending s. 210.05(2), Florida Statutes, 1978 Supplement; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to contract with the United States Department of Engravings for the design of the cigarette stamps; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Hair—

SB 810—A bill to be entitled An act relating to business regulation; adding s. 559.79(3), Florida Statutes, 1978 Supplement; permitting an applicant for a license, renewal of license, or for registration required by the Department of Business Regulation to substitute a statement of compliance for an agency inquiry and examination when so provided by agency rule; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Hill—

SB 811—A bill to be entitled An act relating to disability insurance; creating ss. 627.6057 and 627.6617, Florida Statutes; providing definitions; providing, with respect to individual or group hospital policies or hospital or medical service plan contracts delivered, issued, or renewed in this state on or after January 1, 1980, that coverage for home health care costs must be provided under certain circumstances; placing certain conditions upon reimbursement; authorizing limitations on the number of home visits for which benefits are payable; providing a deductible; providing an exception; providing for payment of benefits where coverage exists under more than one policy or contract; authorizing certain additional home health

care coverage; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Hill—

SB 812—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091(3), Florida Statutes, 1978 Supplement, authorizing school districts to offer early retirement benefits to certain employees; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committee on Education; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Holloway—

SB 813—A bill to be entitled An act relating to hemophilia; creating a Council on Hemophilia within the Department of Health and Rehabilitative Services; providing for the composition, appointment, and terms of members; providing definitions; providing for the powers and duties of the council; providing for the use of funds which are in possession of the council; providing for reimbursement for described services; providing for the duties of the department; providing an appropriation; providing for repeal of the council and legislative review in accordance with the Sundown Act; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Governmental Operations and Ways and Means.

By Senators Poole, Hill, McClain, Gorman, Fechtel, Winn, Trask, Tobiasen, Thomas, Peterson and Hair—

SB 814—A bill to be entitled An act relating to child-care facilities; repealing s. 402.316(2), Florida Statutes, relating to licensing of such facilities by certain counties and cities; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senators Scott, Hill, Vogt, Maxwell, Henderson, Thomas, Skinner and Poole—

SB 815—A bill to be entitled An act relating to taxation; amending s. 203.01, Florida Statutes; providing that the tax on gross receipts for utility services does not apply to gross receipts generated by certain fuel adjustment charges; providing an effective date.

—was read the first time by title and referred to the Committee on Education; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Fechtel—

SB 816—A bill to be entitled An act relating to the waters of the state; creating s. 861.045, Florida Statutes, to make it unlawful to fail to stop a boat upon the direction of a law enforcement officer, or to flee in an attempt to elude such an officer; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators Holloway, McKnight and Anderson—

SB 817—A bill to be entitled An act relating to criminal analysis laboratories; amending s. 943.32, Florida Statutes, 1978 Supplement; designating the Monroe County Sheriff's Crime Laboratory as part of the statewide criminal analysis laboratory system; amending s. 943.35(1), Florida Statutes; providing matching state funds for the Monroe County Sheriff's Crime Laboratory; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By Senator Williamson—

SB 818—A bill to be entitled An act relating to medical malpractice; repealing s. 768.44, Florida Statutes, as amended, which provides for the creation of medical liability mediation panels; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Commerce.

By Senator Carlucci—

SB 819—A bill to be entitled An act relating to trespass; amending s. 810.08, Florida Statutes; increasing the penalty for trespass of an occupied structure or conveyance; increasing the penalty for armed trespass of a structure or conveyance; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Carlucci—

SB 820—A bill to be entitled An act relating to the Florida Resource Recovery and Management Act; amending s. 403.706(2)(b) and (4), Florida Statutes, 1978 Supplement, providing that nothing in the act, in any special or local act, or in any rule shall be construed to limit the authority of municipalities to regulate solid waste disposal under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation; and Economic, Community and Consumer Affairs.

By Senator Carlucci—

SB 821—A bill to be entitled An act relating to cancellation of mortgages; amending s. 701.04, Florida Statutes, requiring certain notice of recorded satisfaction following receipt of full payment of a mortgage, lien or judgment; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Carlucci—

SB 822—A bill to be entitled An act relating to the manufacture, distribution, and use of explosives; amending s. 552.092 (2) and (3), Florida Statutes; removing, in certain cases, the requirement that applications for explosives licenses and permits must be accompanied by a current photograph and complete set of fingerprints; providing for procedure where photographs and fingerprints are not required; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Carlucci—

SB 823—A bill to be entitled An act relating to the Florida Crimes Compensation Commission; amending s. 960.05(2), Florida Statutes, and adding a new subsection, providing for the authority and responsibility of the chairman of the commission; providing that the executive director shall be directly responsible to the chairman; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Carlucci—

SB 824—A bill to be entitled An act relating to the State Fire Marshal; amending ss. 400.441(1) and 633.05(8), Florida Statutes, providing that the State Fire Marshal shall establish uniform fire safety standards for private schools, adult congregate living facilities, and child care facilities; deleting reference to rest homes; eliminating the responsibility of the Department of Health and Rehabilitative Services to provide fire

safety standards for adult congregate living facilities; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Steinberg—

SB 825—A bill to be entitled An act relating to community colleges; adding paragraph (k) to s. 230.754 (2), Florida Statutes; authorizing community college boards of trustees to develop and produce work products related to educational endeavors which are subject to trademark, copyright, or patent statutes and to establish the percentage of ownership thereof; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Governmental Operations.

By Senator McClain—

SB 826—A bill to be entitled An act relating to determination of paternity; amending s. 742.031, Florida Statutes; requiring the court to order a defendant to pay reasonable child support for a child of whom he is determined to be the father; repealing s. 742.041, Florida Statutes, which provides a specific schedule of monthly payments which such defendant may be ordered to pay; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Johnston—

SB 827—A bill to be entitled An act relating to cancer control; creating the "Cancer Control and Research Act"; providing legislative intent; providing definitions; providing for the creation of a "Florida Cancer Control and Research Advisory Board"; providing for the appointment of members and a chairperson, terms of office, and powers and duties of the board; providing for the duties and responsibilities of the Secretary of the Department of Health and Rehabilitative Services with respect to the state cancer plan; providing for the creation of the Florida Cancer Control and Research Fund; repealing ss. 381.361, 381.371, and 381.381, Florida Statutes, relating to the responsibility of the Department of Health and Rehabilitative Services to formulate a plan for the care and treatment of cancer patients, educational programs for the prevention of cancer, and financial aid to cancer patients; providing for repeal and legislative review in accordance with the Sundown Act; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Rules and Calendar and Ways and Means.

By Senator Hill—

SB 828—A bill to be entitled An act relating to condemnation of property; amending s. 337.27(1), (3), Florida Statutes; authorizing the Division of Administration of the Department of Transportation to condemn substitute lands to continue a separate public use or to restore access to lands affected by the construction of a limited access facility; exempting such lands from the requirement that title vest on the state; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation, Judiciary-Civil and Ways and Means.

By Senator Spicola—

SB 829—A bill to be entitled An act relating to trespass and larceny with relation to utility or cable television fixtures; amending s. 812.14(3), Florida Statutes, 1978 Supplement; providing for prima facie evidence of violations; providing conditions required for the presumption of such violations; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Spicola—

SB 830—A bill to be entitled An act relating to motor vehicle title certificates and license plates used in law enforcement operations; creating s. 319.231, Florida Statutes; providing for the issuance of fictitious or false certificates of title for motor vehicles used in law enforcement operations; amending s. 320.025(1), Florida Statutes; providing for the issuance of motor vehicle license plates to fictitious or false persons when motor vehicles so registered are to be used in law enforcement operations; providing for confidentiality of certain records; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Maxwell—

SB 831—A bill to be entitled An act relating to elections; amending s. 97.072, Florida Statutes, removing certain procedures for the issuance of replacement registration identification cards; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Frank—

SB 832—A bill to be entitled An act relating to district school boards; amending s. 230.23(12), Florida Statutes, 1978 Supplement, requiring each school board to identify and report to the Department of Education certain information regarding all migratory children in the district; amending s. 230.33(14), Florida Statutes, 1978 Supplement, requiring each district superintendent to recommend plans to the school board for the identification and reporting of migratory children; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Spicola—

SB 833—A bill to be entitled An act relating to solid waste disposal; amending s. 403.703(9), Florida Statutes, 1978 Supplement, and adding subsection (18) to said section; providing definitions; adding s. 403.706(7), Florida Statutes, 1978 Supplement; prohibiting any state or local government rule or ordinance limiting the duration of certain contracts; amending s. 403.707(2)(a), Florida Statutes, 1978 Supplement; providing that certain solid waste may be disposed of under certain circumstances without requirement for a permit; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation; and Economic, Community and Consumer Affairs.

By Senator MacKay—

SB 834—A bill to be entitled An act relating to administration of designated nonproperty taxes; amending s. 214.71(3)(a), Florida Statutes, relating to general method of apportionment; providing special circumstances to be considered in determining whether sale is made within or without the state in the case of certain delivery of raw fruit; providing obligation of processors upon sale of finished product; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture, Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Hill—

SB 835—A bill to be entitled An act relating to the tax on motor fuels; creating s. 206.645, Florida Statutes; providing for the refund, under certain circumstances, of a portion of the tax on motor fuels paid by licensed taxicab or limousine services; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Myers—

SB 836—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 409.2671(2)(d), (3), (6), (7)(c)-(e), Florida Statutes, 1978 Supplement; providing for a 1-year extension of an existing pilot project to test the feasibility of increasing hospital out-patient service benefits through local agency contributions to the medical assistance program for outpatient hospital services; providing staffing for the department; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Stuart—

SB 837—A bill to be entitled An act relating to worthless checks; amending s. 832.07(2), Florida Statutes; providing for prima facie evidence of the identity of a party issuing a worthless check received through the mail; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators Gordon, Tobiasen, Stuart, MacKay, W. D. Childers and Frank—

SB 838—A bill to be entitled An act relating to the State University System; creating s. 240.0952, Florida Statutes; authorizing the student government association of each state university to establish an educational research center for child development; providing for a board of directors for each center; authorizing the charging of fees; directing the Board of Regents to promulgate rules; providing for funding through capital improvement trust fund fees and building fees; authorizing the State Council of Student Body Presidents to employ an administrator and providing for payment of salary from student activity fees; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Maxwell—

SB 839—A bill to be entitled An act relating to state agency publications; creating s. 283.30, Florida Statutes; requiring prior justification and approval of each state agency publication as an appropriation line item within the agency's legislative budget request; providing an alternative method of approval and funding; providing an exception; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Rules and Calendar and Ways and Means.

By Senator Hill—

SB 840—A bill to be entitled An act relating to assault and battery; creating s. 784.08, Florida Statutes; providing a minimum mandatory sentence for any person who commits an assault or battery upon an elderly person during the commission of another offense; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By Senator Frank—

SB 841—A bill to be entitled An act relating to the State University System; adding subsection (6) to s. 240.052, Florida Statutes, 1978 Supplement, providing a waiver of tuition for certain migrant students; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Don Childers—

SB 842—A bill to be entitled An act relating to motor vehicle dealers; providing that if a motor vehicle dealer receives compensation for arranging certain financing, certain forms

shall state the fact of such compensation; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Peterson—

SCR 843—A concurrent resolution commending Henry Scrivens for his heroism in saving the life of a fellow worker.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Don Childers—

SB 844—A bill to be entitled An act relating to recreation districts; amending ss. 418.20 and 418.21, Florida Statutes, 1978 Supplement; providing for voting rights to be given to property owners, rather than electors, in the districts; providing for a five-member elected board of supervisors to be the governing body; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

By Senators Gordon and Barron—

SB 845—A bill to be entitled An act relating to a reduction of ad valorem tax millage; providing for a county option on the cultivation, possession, and sale of cannabis; authorizing such cultivation, possession, and sale in approving counties; providing certain conditions relating to the sale and taxation of cannabis; providing for the distribution of proceeds of such taxation and requiring a reduction of ad valorem tax millage; authorizing the board of county commissioners in approving counties to adopt certain ordinances; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal; Economic, Community and Consumer Affairs; and Ways and Means.

By the Committee on Judiciary-Civil—

SB 846—A bill to be entitled An act relating to garnishment; amending s. 77.031(1), Florida Statutes; providing that a prejudgment writ of garnishment shall be supported by a verified motion or affidavit stating facts sufficient to make a prima facie showing of certain facts; adding s. 77.031(4), Florida Statutes; providing that a prejudgment writ of garnishment be issued only upon the signed order of a judge; amending s. 77.07(1), Florida Statutes; providing procedure for dissolution of writ of garnishment; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

SCR 847 was introduced out of order April 12 and adopted.

By the Committee on Judiciary-Civil—

SB 848—A bill to be entitled An act relating to the Probate Code; amending s. 733.302, Florida Statutes; providing requirements for appointment of a personal representative; repealing s. 733.304, Florida Statutes, identifying individuals not domiciled in the state who may qualify as a personal representative; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Hill—

SB 849—A bill to be entitled An act relating to public officers and employees; amending s. 112.08(1), Florida Statutes; authorizing certain governmental entities to self-insure a plan for life insurance for officers and employees; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senators Holloway and McKnight—

SB 850—A bill to be entitled An act relating to railroads; creating s. 316.1577, Florida Statutes, and amending s. 351.03, Florida Statutes; providing that no audible warning is required of trains at grade crossings equipped with crossing gates and signal lights; providing an exception; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Commerce.

By Senator Johnston—

SB 851—A bill to be entitled An act relating to life and disability insurance; amending s. 626.9705(2), Florida Statutes; redefining the term "severe disability" to include neurosensory deafness; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator McKnight—

SB 852—A bill to be entitled An act relating to physically disabled persons; amending s. 413.08(1), (2), Florida Statutes; providing for equal accommodations for physically disabled persons; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator McKnight—

SB 853—A bill to be entitled An act relating to agencies providing home health services; amending s. 400.504, Florida Statutes; prohibiting the denial of licenses to certain agencies providing home health services solely on the basis of not having received a statement of need; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Commerce.

By Senator McKnight—

SB 854—A bill to be entitled An act relating to the Community Mental Health Act; adding a subsection to s. 394.69, Florida Statutes, authorizing local governing bodies to appropriate moneys to be expended for purposes as provided in approved mental health district board plans; requiring annual audits thereof and the furnishing of such audits to the participating local governing bodies; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator McKnight—

SB 855—A bill to be entitled An act relating to consumer collection practices; amending s. 559.56, Florida Statutes; providing that action by the Division of General Regulation in issuing or denying licenses or certificates shall be in accordance with chapter 120; authorizing the division to promulgate rules; adding subsection (4) to s. 559.77, Florida Statutes, 1978 Supplement; providing for fine, suspension or revocation of licenses or certificates for violation of part V of chapter 559 or rules promulgated thereunder; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Governmental Operations.

By Senator McKnight—

SB 856—A bill to be entitled An act relating to uniform traffic control; adding subsection (4) to s. 316.008, Florida Statutes; providing that violation of any ordinance regulating parking adopted by a local authority shall be a violation of chapter 316, Florida Statutes, and subject to the penalties provided therefor; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Judiciary-Civil.

By Senator Spicola (by request)—

SB 857—A bill to be entitled An act relating to public defenders; amending s. 27.51(4), Florida Statutes, and adding subsection (5) to said section; specifying the public defender to handle appeals within the district comprising the Second District Court of Appeal; providing for a capital appeals defense coordinator to handle all appeals to state and federal courts required to be handled by public defenders in which the sentence of death has been imposed; authorizing said coordinator to establish an office and employ a staff to carry out said duty; providing for an appropriation from the General Revenue Fund; amending s. 925.035(4), Florida Statutes; requiring said capital appeals defense coordinator or the attorney appointed by the court pursuant to s. 925.035(1), Florida Statutes, to represent an indigent defendant in executive clemency proceedings if the death sentence is imposed and affirmed on appeal to the Supreme Court; removing the authority of the trial court that rendered the judgment imposing the death penalty to appoint an attorney to represent, in executive clemency proceedings, an indigent defendant who has received a death sentence; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal, Judiciary-Civil and Ways and Means.

By Senator Thomas—

SB 858—A bill to be entitled An act relating to the practice of geology; amending s. 471.08, Florida Statutes, 1978 Supplement; adding a geologist to the Florida State Board of Professional Engineers and Land Surveyors; providing definitions; establishing a roster of professional geologists; providing qualifications for registration; providing for provisional registration; providing for reciprocity; providing powers and duties of the board; providing for issuance of certificates of registration; providing exemptions and exclusions; amending ss. 471.01, 471.02(3), 471.38(1), 471.39(1) and (5), 471.42(1), and 471.43, Florida Statutes, and ss. 471.06(6), 472.01(1), 472.04(1)(b) and (3)(a), and 472.11(7), Florida Statutes, 1978 Supplement, to conform to the act; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce, Governmental Operations and Ways and Means.

By Senator Vogt—

SB 859—A bill to be entitled An act relating to water and sewer utilities; adding subsections (7) and (8) to s. 367.081, Florida Statutes, 1978 Supplement, authorizing the Florida Public Service Commission to grant interim rate increases and interim rate decreases to water and sewer utilities; permitting the establishment of a funded reserve in lieu of bond for funds generated by interim increases from which excess earnings may be refunded to the customers; authorizing the commission to enter an order requiring an interim rate decrease upon a finding that earnings exceed the previously authorized rate of return; providing for the establishment of a funded reserve for the excess funds or requiring the posting of a bond in sufficient amount to insure prompt refunds in the event the interim rates are found to be excessive after final hearing; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Vogt—

SB 860—A bill to be entitled An act relating to regulation of telegraph and telephone companies; adding subsections (5) and (6) to s. 364.05, Florida Statutes, authorizing the Florida Public Service Commission to grant interim rate increases and interim rate decreases to telephone or telegraph companies; permitting the establishment of a funded reserve in lieu of bond for funds generated by interim increases from which excess earnings may be refunded to the customers; authorizing the commission to enter an order requiring an interim rate decrease upon a finding that earnings exceed the previously authorized rate of return; providing for the establishment of a funded reserve for the excess funds or requiring the posting

of a bond in sufficient amount to insure prompt refunds in the event the interim rates are found to be excessive after final hearing; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Vogt—

SB 861—A bill to be entitled An act relating to public utilities; adding subsections (5) and (6) to s. 366.06, Florida Statutes, authorizing the Florida Public Service Commission to grant interim rate increases and interim rate decreases to electric and gas utilities; providing for the establishment of a funded reserve in lieu of bond for funds generated by interim increases from which excess earnings may be refunded to the customers; providing that the commission may enter an order requiring an interim rate decrease upon a finding that earnings exceed the previously authorized rate of return; providing for the establishment of a funded reserve for the excess of funds or the posting of a bond in sufficient amount to insure prompt refunds in the event the interim rates are found to be excessive after final hearing; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By the Committee on Judiciary-Civil—

SB 862—A bill to be entitled An act relating to distress for rent; amending s. 83.11, Florida Statutes; providing for the filing of an affidavit in support of an action for a distress writ; amending s. 83.12, Florida Statutes; providing that a judge of any competent court may issue a distress writ if such affidavit is filed; providing that a clerk of that court may issue such writ under certain circumstances; amending s. 83.13, Florida Statutes; providing circumstances under which a levy on property is sufficient service on the defendant; creating s. 83.135, Florida Statutes; providing for an immediate hearing on the motion of the defendant; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Myers—

SB 863—A bill to be entitled An act relating to medical assistants and nurses; amending s. 458.13(4), Florida Statutes; providing that limitations on the application of the Medical Practice Act do not prohibit service by medical assistants or certain nurses; providing that such activities of a physician's medical assistant are not limited by chapter 464, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Dunn—

SB 864—A bill to be entitled An act relating to cosmetology; amending s. 477.013(6), Florida Statutes, 1978 Supplement; redefining "cosmetology" to exclude hair shampooing for compensation and facials; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Gordon—

SB 865—A bill to be entitled An act relating to housing; providing for the creation, administration, and financing of a state program for the establishment of neighborhood housing services programs; providing definitions; establishing a Neighborhood Housing Services Grant Fund within the State Treasury to be administered by the Department of Community Affairs; providing an appropriation; specifying eligible applicants and activities; specifying the duties of the department; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Commerce and Ways and Means.

By Senator Hair—

SB 866—A bill to be entitled An act relating to transportation; amending s. 23.055(1) and (2), Florida Statutes; authorizing Florida's continuing participation in the Multi-Mode Transportation Corridor Advisory Board; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Hair—

SB 867—A bill to be entitled An act relating to the Port Facilities Financing Law; amending s. 315.05(1), (4), Florida Statutes; deleting the interest ceiling on port facilities bonds; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Governmental Operations.

By Senator Henderson—

SB 868—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021(12), (13), Florida Statutes; redefining fire protection systems and specifying the classes of contractors; amending s. 633.061(1), Florida Statutes, 1978 Supplement; prescribing the classes of licenses required of organizations and individuals doing certain work with fire extinguishers and systems; amending s. 633.065(1), (2), Florida Statutes; specifying requirements for installation of fire protective equipment; amending s. 633.521(1), (2), Florida Statutes, 1978 Supplement; requiring an examination for each class of contractor; amending s. 633.524, Florida Statutes, 1978 Supplement; specifying the application and renewal fees for all types of certificates; requiring all moneys collected to be deposited in the State Treasurer's Regulatory Trust Fund; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Henderson—

SB 869—A bill to be entitled An act relating to the Ringling Art Museum; providing an appropriation to the Division of Cultural Affairs of the Department of State for operation of the museum; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Tobiassen—

SB 870—A bill to be entitled An act relating to milk and milk products; amending s. 502.061(5), Florida Statutes; providing that official sampling procedures and required laboratory examinations shall be in compliance with certain methods as established by department rule; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By Senator Tobiassen—

SB 871—A bill to be entitled An act relating to frozen desserts; amending s. 503.011(4), Florida Statutes; conforming frozen desserts standards to the latest federal standards of identity; repealing s. 503.061, Florida Statutes, which prohibits sale of mellorine-type products; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By Senator Vogt—

SB 872—A bill to be entitled An act relating to Brevard County; prohibiting the taking of fish by certain means from any manmade residential canal located in Brevard County; providing penalties; providing for a referendum; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Williamson and Scott—

SB 873—A bill to be entitled An act relating to the financing of state road construction; redesignating s. 339.08(2)(d), (e), Florida Statutes, 1978 Supplement, and adding a new paragraph (d) to said subsection; authorizing the use of first gas tax revenues for certain purposes; amending s. 339.12(4), Florida Statutes, 1978 Supplement; requiring the Department of Transportation to reimburse counties for the amount of certain bond proceeds used to construct state roads; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By the Committee on Governmental Operations—

SB 874—A bill to be entitled An act relating to the practice of public accounting; creating the State Board of Accountancy within the Division of Professions of the Department of Professional and Occupational Regulation and prescribing its composition, powers, and duties; authorizing the board to adopt certain rules; authorizing the board to establish certain fees and providing for their disposition; prescribing examination and licensing requirements for any person desiring to be licensed as a certified public accountant; providing for the issuance, renewal, suspension, and revocation of licenses and the disciplining of licensees; prescribing requirements for the formation and requiring registration of partnerships and professional service corporations engaging in the practice of public accounting; limiting the transferability of records of accountants; prohibiting certain contingent fee arrangements; providing that certain communications between a practitioner and his client are privileged; authorizing board investigations of certain accountants and providing for the periodic or random review of accountants or work products; prohibiting unauthorized practice or use of title, use of certain licenses, or the giving of false or forged evidence in order to obtain a license; providing penalties; providing for the filing of complaints against practitioners; providing for repeal of the act; providing a retroactive effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senators Stuart, Gorman, Carlucci, Anderson, Jenne, Dunn, Peterson, Maxwell, Tobiasen, Henderson, Vogt, Skinner, Trask, Fechtel, Williamson, Scott, Hill and Thomas—

SB 875—A bill to be entitled An act relating to the Good Samaritan Act; amending s. 768.13, Florida Statutes, 1978 Supplement; providing immunity from civil liability for law enforcement officers who, whether or not in the line of duty, render emergency care or treatment to persons or animals; providing immunity from civil liability for employers of law enforcement officers; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Don Childers—

SB 876—A bill to be entitled An act relating to taxation of motor fuels; repealing s. 206.42, Florida Statutes, which grants an exemption from all excise taxes on aviation motor fuel; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Hill—

SB 877—A bill to be entitled An act relating to the liability of joint and several obligors; providing that a written covenant not to sue or release of one of a number of such obligors shall not discharge other obligors; requiring courts under certain circumstances to setoff against a judgment due a plaintiff any amount subject to such a release or covenant; prohibiting notification of jurors that a release or covenant exists or that a defendant has been dismissed; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Neal—

SB 878—A bill to be entitled An act relating to the assignment of mortgages; adding a subsection to s. 701.02, Florida Statutes, providing that assignments of mortgages need not be recorded in certain cases; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senators Neal and Barron—

SB 879—A bill to be entitled An act relating to housing; amending s. 420.20, Florida Statutes, renaming the Florida Rural Housing Land Acquisition and Site Development Assistance Act of 1974; amending s. 420.202(2) and (4), Florida Statutes, redefining the terms "eligible borrower" and "fund" for the purposes of the act; amending s. 420.203, Florida Statutes, providing for the Revolving Land Acquisition and Site Development Trust Fund; providing for the reversion of funds; amending s. 420.205(1)(c) and (2), Florida Statutes, providing that a pledge of unencumbered revenues of an eligible borrower shall not be reasonable security under the act; eliminating the value of the property as improved with the loan as a factor in computing loan limitations under the act; revising loan limitations; including described sources from which excess amounts of funds may be recovered; amending s. 420.211, Florida Statutes, extending the life of the act; repealing s. 420.201(4), Florida Statutes, relating to legislative intent; repealing s. 420.202(6), Florida Statutes, eliminating the definition of the term "rural areas" from the act; repealing s. 420.207(2), Florida Statutes, relating to loans defaulted upon by local governments; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Ways and Means.

By Senator Stuart—

SB 880—A bill to be entitled An act relating to weapons and firearms; amending s. 790.18, Florida Statutes; making it unlawful for any dealer to sell a BB gun or air or gas-operated gun to any child under the age of 16 years; requiring BB guns or air or gas-operated guns to carry a warning; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Trask—

SB 881—A bill to be entitled An act relating to damage by dogs; amending ss. 767.02, 767.03, Florida Statutes; making it unlawful for any dog known to have killed livestock to roam about unattended; providing a defense for the killing or injuring of livestock-killing dogs; creating ss. 767.05, 767.06, 767.07, Florida Statutes; making an owner liable for any damage caused by his dog; permitting the killing of dogs under prescribed conditions; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By Senator Winn—

SB 882—A bill to be entitled An act relating to corporations; amending s. 607.034(3), Florida Statutes, requiring successor registered agents of corporations to file a written statement of acceptance with the Department of State; amending s. 607.324(2) and (3), Florida Statutes, requiring successor registered agents of foreign corporations to file such statements; amending s. 607.037(2), (3), Florida Statutes; making the change of a registered agent or a registered office effective upon compliance with s. 607.034, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Winn—

SB 883—A bill to be entitled An act relating to alcoholic beverages; amending s. 563.05, Florida Statutes; providing that certain manufacturers of malt beverages in the state shall

receive a credit or refund of a portion of the excise taxes on certain such beverages; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator McClain—

SB 884—A bill to be entitled An act relating to legal expense insurance; creating chapter 647, Florida Statutes; authorizing the Department of Insurance to certify and regulate certain organizations which provide programs for the payment of the cost of legal services or provide legal services; providing definitions; providing exemptions; specifying requirements for conducting a business providing legal expense insurance; providing for the organization of legal service insurance corporations; providing for the certificate of authority; requiring deposit of securities or surety bond; providing for reduction or modification of the deposit or bond by the department; specifying contents of forms to be issued by the insurer and requiring department approval; requiring premium rates to be filed with and approved by the department; requiring an annual report; specifying provisions of the insurance code applicable to legal service insurance corporations; requiring registration of sales agents; specifying duties of sales agents and grounds for compulsory and discretionary refusal, suspension, or revocation of registration; providing for administrative fines; providing that the practice of law is unaffected by this act; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Skinner—

SB 885—A bill to be entitled An act relating to the construction of parking garages and related roadways on the campus of the University of Florida; authorizing the construction of such facilities; providing for the use of revenues derived from such facilities and from parking facilities at the J. Hillis Miller Health Center to help retire debt, to improve and expand such facilities, and to pay administrative and operating costs of the total parking program at the university; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Trask—

SB 886—A bill to be entitled An act relating to the Uniform Commercial Code; adding s. 672.316(3)(d), Florida Statutes; providing that no implied warranty of freedom from sickness or disease shall attach to the sale of cattle or hogs; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Commerce.

By Senator Skinner—

SB 887—A bill to be entitled An act relating to deer and wild turkey; amending s. 372.99(5), Florida Statutes, 1978 Supplement; prohibiting the sale or possession for sale of deer or wild turkey; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators Peterson and Trask—

SB 888—A bill to be entitled An act relating to the Florida Honey Certification Law; amending s. 586.09, Florida Statutes; providing for administrative fines in addition to other penalties under the law; providing for revocation or suspension of permits and certificates; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By Senators Peterson and Trask—

SR 889—A resolution honoring Rebecca Faye Redd.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Barron, Poole, W. D. Childers, Ware, Tobiassen, Thomas and Carlucci—

SB 890—A bill to be entitled An act relating to the Legislature; designating the time for convening of the 1980 regular session; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Barron, Poole, W. D. Childers, Tobiassen, Thomas, Ware and Carlucci—

SM 891—A memorial to the Congress of the United States urging the Congress to prevent the passage of three pending Congressional bills: S. 596, H.R. 2653, and H.R. 1516.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Gorman—

SB 892—A bill to be entitled An act relating to the Department of Insurance; amending s. 20.13(2), Florida Statutes, 1978 Supplement, to create the Division of Liquefied Petroleum Gas; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senators Peterson and Trask—

SB 893—A bill to be entitled An act relating to the Florida Honey Certification Law; amending s. 586.15, Florida Statutes, increasing the penalty for violation of any provision of the chapter; repealing s. 586.08, Florida Statutes, to conform to the act; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1046 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1046—A bill to be entitled An act relating to financial matters pertaining to political subdivisions; adding subsections (9), (10), (11) and (12) to s. 218.31, Florida Statutes, and amending s. 218.32(1) and (2), Florida Statutes, and adding subsection (5) thereto; providing requirements with regard to financial reports by local governments; providing for submission of a verified report by the Department of Banking and Finance, and providing requirements with respect thereto; providing for filing of notice of sale or official statement with the department; creating part V of chapter 218, Florida Statutes; creating the Local Government Financial Emergencies Act; providing conditions under which a local government financial emergency is declared; providing for the authority of the Governor to resolve the financial emergency; providing for termination of state action; adding a new paragraph (c) to s. 11.45(3), Florida Statutes; providing for audits of local governments by the Auditor General under certain conditions; providing for state advisory assistance regarding bond issuance to local governments by the Department of Community Affairs; providing for a study of financial emergency indicators by the Florida Advisory Council on Intergovernmental Relations; adding subsection (5) to s. 166.241, Florida Statutes; providing for

review of municipal retirement systems by the Auditor General; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations; Ways and Means Subcommittee D and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 526 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kutun—

HB 526—A bill to be entitled An act relating to the Southern Growth Policies Agreement; amending s. 23.140, Article VI(b), Article XII(a), Florida Statutes; increasing the maximum number of members of the executive committee of the Southern Growth Policies Board; providing that the Commonwealth of Puerto Rico and the Territory of the Virgin Islands are party states to the Southern Growth Policies Agreement; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

The Senate recessed at 8:45 a.m.

The Senate was called to order by the President at 9:00 a.m.

A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Prayer by Thomas E. Farmer, pastor, John Wesley United Methodist Church:

O God, our Father: Accept our thanksgiving and praise as we pause at this, the beginning of another day, to recognize your gift of life and your presence in our midst.

Most especially we thank you for each of these Senators, Senate officers and staff workers who have such great responsibility of office. Keep them, our Father, in your care. Give them the guidance they need for the deliberation and decisions of this session today.

Bless the people these Senators represent. Keep these our leaders, our Father, close to the people that they may hear the cries and feel the sufferings of these whose voices carry no weight of authority and whose burdens are rarely lifted.

Be close to the families of these Senators, who also bear the strain of public office and who seldom get credit or recognition for their part in the success of these men and women that they love.

Keep us close to each other and close to thee, our Father—that this and every part of the government of our land may become a vehicle of thy grace and a vessel through which mercy, justice and righteousness may flow into our state and into our land.

We call upon your presence now to be manifested in the lives of these our Senators as they go about today's business. Make it your business, our Father, and make us and them thine. We make our prayer in the name of the Father, Son, and Holy Spirit. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The President recognized the Honorable Bill Nelson of Melbourne, Member of Congress, 9th Congressional District.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 17, 1979:

SB 329	SB 369	SB 294	SB 127
SB 343	CS for CS for	SB 37	SB 112
CS for SB 165	SB 252	SB 321	SB 21
CS for SB 164	CS for SB 254	CS for SB 47	SB 258
SB 201	CS for SB 377	SB 155	SB 365
CS for SB 227	CS for SB 727	SB 179	
CS for SB 120	SB 238		

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 533

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 541 with 3 amendments

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 23 with 2 amendments

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 463

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 429

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Transportation recommends the following pass: SCR 427, SB 720 with 1 amendment

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education recommends the following pass: SB 603

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: CS for SB 425 and SB 341

The bills with Committee Substitute attached were referred to the Committee on Ways and Means under the original reference for SB 341.

The Committee on Education recommends the following pass:

SB 212	SB 481	SB 475	SB 236 with 1
SB 361	SB 531		amendment

The Committee on Transportation recommends the following pass: SB 435 with 3 amendments, SB 722

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends the following pass: SB 474

The bill was referred to Ways and Means Subcommittee E under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 423, SB 444

The Committee on Education recommends the following pass:

SB 585 with 2 amendments SB 519 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 178 with 7 amendments, SB 301

The Committee on Natural Resources and Conservation recommends the following pass:

SB 207 with 3 amendments SB 557
SB 393 with 2 amendments

The Committee on Rules and Calendar recommends the following pass: SM 118

The Committee on Transportation recommends the following pass: SB 428

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends a Committee Substitute for the following: SB 273

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 448

The bill with Committee Substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 149

The bill with Committee Substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 191

The bill with Committee Substitute attached was placed on the calendar.

The Special Master-Claims recommends the following not pass: SB 101

The bill was referred to the Committee on Corrections, Probation and Parole under the original reference.

BILLS REFERRED TO SUBCOMMITTEE

The Committee on Natural Resources and Conservation recommends that the Senate confirm the following appointments made by the Governor:

Victoria Jean Tschinkel, Tallahassee, Secretary of the Department of Environmental Regulation, to serve at the Pleasure of the Governor

Jacob D. Varn, Tampa, Secretary of the Department of Environmental Regulation, to serve at the Pleasure of the Governor

Cecil C. Bailey, Jacksonville, Member of the Game and Fresh Water Fish Commission, for term ending January 5, 1984

The appointments contained in the foregoing report were referred to the Committee on Executive Business under the original reference.

SB 198 has been referred to Ways and Means Subcommittee D which will report to the full committee within 30 days.

Senator MacKay, chairman of the Committee on Education, appointed a select subcommittee on "Overview of Competency-based Teacher Certification" which will report to the full committee within 30 days. Members of the select subcommittee are Senator Maxwell, chairman; Senators Chamberlin, Frank, Peterson and MacKay.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Carlucci, by two-thirds vote SB 230 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 168, 181, 273, 279, 366, 435, 481, 506, 531, 646, 686 and 696 were withdrawn from the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 408 and 629 were withdrawn from the Committee on Ways and Means and remained referred to the other committees of reference.

On motion by Senator Spicola, by two-thirds vote SB 667 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Anderson, by two-thirds vote SB 504 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Vogt, by two-thirds vote SB 587 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to extend time of adjournment of the meeting April 19 indefinitely.

On motions by Senator Tobiassen, by two-thirds vote SB 583 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator MacKay, the rules were waived and the Committee on Ways and Means was granted permission to consider CS for SB 188 with House amendments on April 18.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 24 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 101 was withdrawn from the Committee on Corrections, Probation and Parole and Ways and Means Subcommittee D.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 408 was withdrawn from the Committee on Natural Resources and Conservation.

REQUESTS FOR EXTENSION OF TIME

April 13, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 18 by Senator Scott	SB 144 by Senator Holloway
SB 20 by Senator Scarborough	SB 166 by Senator D. Childers,
SB 64 by Senator Steinberg	et al
SB 65 by Senator Steinberg	SB 210 by Senator Chamberlin,
SB 116 by Senator McKnight	et al

SB 567 by Senator Stuart
SB 574 by Senator Gorman
SB 586 by Senator Vogt
SB 597 by Senator Johnston
SB 617 by Senator McClain
SB 619 by Senator Steinberg
SB 553 by Senator MacKay
SB 590 by Senator Frank

April 13, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 39 by Senator Dunn	SJR 265 by Senator Gordon
SB 51 by Senator Steinberg	SJR 281 by Senator Grizzle
SJR 70 by Senator McClain	SB 251 by Committee on
SM 118 by Senator McClain	Executive Business
and others	SB 344 by Senator Barron
SB 199 by Senator Carlucci	SJR 363 by Senator McKnight
SCR 226 by Senator Gordon	and others
SCR 239 by Senator Henderson and others	SB 420 by Senator Maxwell
SJR 255 by Senator Ware and others	SB 575 by Senator Hair

April 13, 1979

The Special Master-Claims requests an extension of 15 days for consideration of the following:

SB 6 by Senator Scott	SB 257 by Senator Tobiassen
SB 75 by Senator Holloway	SB 297 by Senator Steinberg
SB 100 by Senator Myers	SB 319 by Senator Anderson
SB 180 by Senator Peterson	SB 324 by Senator Hill
SB 247 by Senator Hill	SB 433 by Senator Jenne

April 13, 1979

The Committee on Transportation requests an extension of 15 days for consideration of the following:

SB 42 by Senator Steinberg	SB 449 by Senator Vogt
SB 145 by Senator Chamberlin	SB 543 by Senator Holloway
SB 395 by Senator Gorman	SB 550 by Senator Carlucci
SB 430 by Senator D. Childers	SB 577 by Senator McKnight
	SB 614 by Senator Maxwell

April 13, 1979

Subcommittee D of the Ways and Means Committee requests an extension of 15 days for consideration of the following:

SB 24 by Senator Vogt	SB 129 by Senator Fechtel
SJR 36 by Senator Henderson	SB 150 by Senator Vogt
SJR 57 by Senator Henderson	SB 278 by Senator Henderson
SJR 76 by Senator Ware, et al	SB 375 by Senator Henderson
SJR 93 by Senator Ware	SB 376 by Senator Henderson
CS for SB 113 by Committee on Agriculture	SB 397 by Senator Henderson
SB 128 by Senator Fechtel	SB 512 by Senator Dunn
	SB 649 by Senator Tobiassen

April 13, 1979

Subcommittee E of the Ways and Means Committee requests an extension of 15 days for consideration of the following:

SB 10 by Senator Dunn	SB 527 by Senator MacKay
SB 11 by Senator Dunn	SB 528 by Senator Johnston
SB 29 by Senator Peterson	SB 538 by Senator McClain
SB 55 by Senator Maxwell	SB 561 by Senator Hill
SB 56 by Senator Vogt	CS for SB 566 by Judiciary-
SB 79 by Senator Hair	Criminal and Senators
SB 197 by Senator Maxwell	Scott, Poole and Williamson
SB 228 by Senator MacKay	SB 595 by Senator Tobiassen
SB 271 by Senator Thomas	SB 731 by Senator Hill
SB 402 by Senator MacKay	SB 756 by Senator Trask
SB 508 by Senator MacKay	

April 16, 1979

The Committee on Commerce requests an extension of 15 days for consideration of the following:

SB 41 by Senator Steinberg	SB 189 by Senator MacKay
SB 43 by Senator Steinberg	SB 190 by Senator Henderson
and others	SB 204 by Senator Poole
SB 53 by Senator Tobiassen	and others
SB 59 by Senator Gordon	SB 208 by Senator Henderson
SB 104 by Senator Gordon	and others
SB 117 by Senator McKnight	SB 246 by Senator Ware
SB 119 by Senator Skinner	SB 250 by Senator Ware
SB 130 by Senator Fechtel	and others
SB 132 by Senator Anderson	SB 282 by Senator Grizzle
SB 159 by Senator Winn	SB 288 by Senator
and others	Scarborough
SB 173 by Senator Holloway	SB 317 by Senator Henderson

SB 320 by Senator Tobiassen	SB 525 by Senator MacKay
SB 351 by Senator Stuart	SB 545 by Senator Carlucci
SB 354 by Senator Trask	SB 546 by Senator Stuart
SB 379 by Senator Henderson	SB 549 by Senator Holloway
SB 400 by Senator MacKay	SB 555 by Senator Stuart
SB 401 by Senator MacKay	and others
SB 405 by Senator MacKay	SB 562 by Senator Hill
SB 406 by Senator MacKay	SB 563 by Senator Maxwell
SB 434 by Senator Jenne	and others
SB 443 by Senator MacKay	SB 565 by Senator Holloway
SB 445 by Senator Poole	SB 570 by Senator Thomas
SB 468 by Senator Ware	SB 571 by Senator Thomas
SB 473 by Senator Steinberg	SB 572 by Senator Thomas
SB 476 by Senator Ware	SB 573 by Senator Thomas
SB 492 by Senator Scott	SB 578 by Senator Gordon
SB 498 by Senator Scott	SB 580 by Senator McKnight
SB 516 by Senator Scott	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A Message from the House containing CS for SB 188 with House amendments was referred to the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 107 and SB 108.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 847.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 349.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By Senators Chamberlin and Scarborough—

SB 17—A bill to be entitled An act relating to birth certificates; creating s. 382.215, Florida Statutes; requiring the State Registrar of Vital Statistics to make and file a new birth certificate for certain alien children adopted in the state; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 14, strike “minor” (both times it occurs)

Amendment 2—On page 1, line 20, strike “minor”

Amendment 3—On page 1, line 21, strike “minor”

On motions by Senator Chamberlin, the Senate concurred in the House amendments.

SB 17 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtel	MacKay	Skinner	
Frank	Maxwell	Spicola	

Nays—None

Votes after roll call:

Yea—Hill, Trask

The bill was ordered engrossed and then enrolled.

MATTERS ON RECONSIDERATION

The motion by Senator Hair on April 12 that the Senate reconsider the vote by which HB 35 passed on April 12, was taken up and the Senate refused to reconsider. The vote was:

Yeas—14

Childers, D.	Jenne	Scarborough	Williamson
Fechtel	Neal	Scott	Winn
Gorman	Peterson	Trask	
Hair	Poole	Vogt	

Nays—23

Mr. President	Frank	Maxwell	Steinberg
Anderson	Gordon	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Henderson	Myers	Tobiassen
Chamberlin	Hill	Skinner	Ware
Dunn	Johnston	Spicola	

Votes after roll call:

Nay—Holloway, MacKay

The bill was certified to the House.

On motion by Senator Peterson, by two-thirds vote SR 889 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Peterson—

SR 889—A resolution honoring Rebecca Faye Redd.

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—37

Mr. President	Gorman	Myers	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Gordon	McKnight	Stuart	

Nays—None

Votes after roll call:

Yea—Frank, Holloway

In addition to the original sponsors, Senators voting in the affirmative were recorded as co-introducers of SR 889.

On motion by Senator Peterson, the President appointed Senators Peterson and Trask as a committee to escort Rebecca Faye Redd, Florida's Junior Miss for 1979, to the rostrum where she addressed the Senate briefly.

The President introduced Miss Redd's grandmothers, Mrs. Henry Redd of Tallahassee and Mrs. Walter Smith of Greensboro.

SPECIAL ORDER

SB 329 was taken up and on motion by Senator Gorman, by two-thirds vote HB 526 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

On motion by Senator Gorman—

HB 526—A bill to be entitled An act relating to the Southern Growth Policies Agreement; amending s. 23.140, Article VI(b), Article XII(a), Florida Statutes; increasing the maximum number of members of the executive committee of the Southern Growth Policies Board; providing that the Commonwealth of Puerto Rico and the Territory of the Virgin Islands are party states to the Southern Growth Policies Agreement; providing an effective date.

—a companion measure, was substituted therefor. On motions by Senator Gorman, by two-thirds vote HB 526 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

SB 329 was laid on the table.

SB 343—A bill to be entitled An act relating to probation; amending s. 948.04(2), Florida Statutes; providing for early termination of probation by the court upon recommendation; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote SB 343 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McKnight	Stuart
Anderson	Gorman	Myers	Thomas
Barron	Grizzle	Neal	Tobiassen
Carlucci	Hair	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Fechtel	Maxwell	Spicola	
Frank	McClain	Steinberg	

Nays—None

Consideration of Senate Bills 165 and 164 was deferred.

SB 201—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending the introductory paragraph and subsections (1) and (3) of s. 570.23, Florida Statutes, 1978 Supplement; increasing the membership of the State Agricultural Advisory Council; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote SB 201 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

Senator Scarborough presiding

By the Committee on Health and Rehabilitative Services and Senator MacKay—

CS for SB 227—A bill to be entitled An act relating to the State Board of Medical Examiners; directing such board to make available, to certain graduates of foreign medical schools, the same opportunity to qualify for examination as is provided to certain immigrants or other persons previously licensed in a foreign country; providing an effective date.

—was read the first time by title and SB 227 was laid on the table.

On motions by Senator MacKay, by two-thirds vote CS for SB 227 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Skinner	
Gordon	Maxwell	Steinberg	

Nays—None

By the Committee on Economic, Community and Consumer Affairs and Senators Neal and Chamberlin—

CS for SB 120—A bill to be entitled An act relating to mobile home parks; creating ss. 83.795-83.797, Florida Statutes; prohibiting infringement upon the right of mobile home owners to peaceably assemble at reasonable times and in a reasonable manner in common areas or recreation areas; prohibiting infringement upon the right of a mobile home owner to invite public officers or candidates for public office to appear and speak in common areas or recreation areas at reasonable times and in a reasonable manner; providing for injunctive relief; providing an effective date.

—was read the first time by title and SB 120 was laid on the table.

On motions by Senator Neal, by two-thirds vote CS for SB 120 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—None**Vote after roll call:**

Yea—Anderson

SB 369—A bill to be entitled An act relating to transportation of obscene literature; repealing s. 847.06(2), Florida Statutes, which creates a presumption that certain articles are intended for sale; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 369 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Tobiasen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	MacKay	Skinner	
Frank	Maxwell	Spicola	
Gordon	McClain	Steinberg	

Nays—None

By the Committee on Health and Rehabilitative Services and Senator Skinner—

CS for CS for SB 252—A bill to be entitled An act repealing chapter 917, Florida Statutes; relating to mentally disordered sex offenders; requiring the Department of Health and Rehabilitative Services prior to January 1, 1980, to return mentally disordered sex offenders in its custody to the committing court; providing procedures for treatment by the Department of Corrections and Department of Health and Rehabilitative Services of mentally disordered sex offenders on and after January 1, 1980; requiring time spent in certain treatment programs to be considered time served on sentence; prohibiting offenders in a treatment program from participating in a work-release or community furlough program; prohibiting subsequent offenders to participate in treatment programs; providing for mental health programs approved by the Department of Health and Rehabilitative Services; allowing the Department of Health and Rehabilitative Services to establish a program to train persons to provide postdischarge treatment; adding s. 945.12(6), Florida Statutes, to provide for voluntary transfers to the Department of Health and Rehabilitative Services; providing an effective date.

—was read the first time by title and SB 252 and CS for SB 252 were laid on the table.

On motion by Senator Skinner, by two-thirds vote CS for CS for SB 252 was read the second time by title.

Senator Skinner moved the following amendments which were adopted:

Amendment 1—On page 6, line 23, insert: a new Section 8 and renumber subsequent sections:

Section 8. Section 947.16, Florida Statutes, as amended by Chapter 78-417, Laws of Florida, is amended to read:

(3) Persons who have become eligible for parole and who may, according to the objective parole guidelines of the commission, be granted parole shall be placed on parole in accordance with the provisions of this law; except that, in any case of a person convicted of murder, robbery, aggravated assault, aggravated battery, kidnapping, sexual battery or attempted sexual battery, incest or attempted incest, an unnatural and lascivious act or an attempted unnatural and lascivious act, lewd and lascivious behavior, assault or aggravated assault when a sexual act is completed or attempted, battery or aggravated battery when a sexual act is completed or attempted, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence, at the time of sentencing the judge may enter an order retaining jurisdiction over the offender for review of a commission release order. This jurisdiction of the trial court judge is limited to the first third of the maximum sentence imposed. When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein shall apply to the first third of the maximum sentence imposed for the highest felony charged and proven. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein shall apply to one-third of the total consecutive sentences imposed.

Amendment 2—On page 1, in title, line 27, after the word "Services" insert: amending s. 947.16, Florida Statutes, as amended by Chapter 78-417, Laws of Florida, to provide for judicial retention of jurisdiction for certain enumerated sex offenses;

Senator Chamberlin moved that the Senate reconsider the vote by which Amendment 1 was adopted. The motion failed.

vote was read the third time by title, passed and certified to the House. The vote on passage was:

On motion by Senator Skinner, by two-thirds vote CS for CS for SB 252 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	McClain	Steinberg
Anderson	Hair	McKnight	Stuart
Carlucci	Henderson	Myers	Thomas
Chamberlin	Hill	Neal	Tobiasen
Childers, D.	Holloway	Peterson	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Dunn	Johnston	Scott	Ware
Fechtcl	MacKay	Skinner	Williamson
Frank	Maxwell	Spicola	Winn

Nays—None

Votes after roll call:

Yea—W. D. Childers, Gordon

On motion by Senator Dunn, the rules were waived and staff members of the Committee on Governmental Operations were granted privileges of the floor.

By the Committee on Governmental Operations—

CS for SB 727—A bill to be entitled An act relating to professional and occupational regulation; amending s. 20.06(2), Florida Statutes; deleting certain powers of examining and licensing boards; amending s. 20.30, Florida Statutes, 1978 Supplement; creating the Department of Professional Regulation; creating the Bureau of Investigation and Inspection and the Bureau of Fiscal Affairs of the Division of General Services of the department; abolishing the Bureau of Legal Services of the department; creating the Division of Legal Affairs of the department; abolishing the Division of Occupations of the department; providing for directors of the divisions of the department; providing for lay persons to serve as members on boards within the department; amending s. 215.37, Florida Statutes, 1978 Supplement; deleting a definition; providing for the deposit of certain revenues in a Professional Regulation Trust Fund; providing for finances and budgeting of the department; deleting a provision which requires each examining and licensing board to pay a percentage of its revenues into the General Revenue Fund; deleting legislative intent; amending s. 455.001-(3), Florida Statutes; limiting the authority of boards; creating ss. 455.0111-455.0116, Florida Statutes; prescribing composition, powers, and duties of boards; authorizing boards to adopt rules; providing for personnel; authorizing boards to establish fees; providing for disposition of fees; prescribing requirements for examinations; providing for licensure; prescribing disciplinary procedures; amending s. 455.012, Florida Statutes; prohibiting disqualification based solely on citizenship; providing for continuity of pending actions; transferring personnel, records, property, and funds from boards in the Department of Professional and Occupational Regulation to the Department of Professional Regulation; providing that this act does not supersede repeal under Regulatory Reform Act; providing method and time for reorganization; continuing rules; providing for transfer of board locations; repealing ss. 455.007, 455.011, 455.014, 455.09, Florida Statutes, which sections provide functions of bureaus within department, confidentiality of examination information, legislative findings and intent regarding foreign-speaking Florida residents, and staggered biennial renewal of licenses; providing a retroactive effective date.

—was read the first time by title and SB 727 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 727 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 7, after line 12, insert a new Section 3 to read:

Section 3. Subsection (4) of section 215.22, Florida Statutes, is amended to read:

Yeas—37

Mr. President	Gorman	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Holloway	Scott	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Dunn	Johnston	Spicola	
Fechtcl	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—1

Gordon

Votes after roll call:

Yea—Myers, Neal

The President presiding

By the Committee on Commerce and Senators Poole, Gordon, McKnight and Ware—

CS for SB 254—A bill to be entitled An act relating to combinations restricting trade or commerce; amending s. 542.12(2), Florida Statutes; allowing agreements between a licensor who licenses the use of a trademark and identifiable business format and the licensee to refrain from carrying on a similar business within certain limitations; providing an effective date.

—was read the first time by title and SB 254 was laid on the table.

On motions by Senator Poole, by two-thirds vote CS for SB 254 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

By the Committee on Transportation—

CS for SB 377—A bill to be entitled An act relating to motor vehicles; amending s. 319.23(2), Florida Statutes; providing procedures for verification of vehicle identification numbers; excluding certain vehicles from verification requirements; amending s. 319.30(3), (6), Florida Statutes, 1978 Supplement; removing the requirement that certain businesses keep records; amending s. 320.02(3), Florida Statutes, 1978 Supplement; providing procedures for verification of vehicle identification numbers; excluding certain vehicles from verification requirements; amending s. 325.141(2), Florida Statutes, 1978 Supplement, relating to inspection of vehicles not previously registered in this state; providing an effective date.

—was read the first time by title and SB 377 was laid on the table.

On motions by Senator Holloway, by two-thirds vote CS for SB 377 was read the second time by title and by two-thirds

215.22 Certain moneys and certain trust funds enumerated.—The following described moneys and trust funds by whatever name designated, shall be those from which the deductions authorized by s. 215.20 shall be made:

(4) The *Professional Regulation Trust Fund* trust funds of the examining and licensing boards as defined in s. 215.37, unless a different percentage is authorized in the aforesaid section.

(Renumber subsequent sections.)

Amendment 2—On page 7, lines 17 and 18, strike “10 percent to General Revenue Fund;” and insert: 4 10 percent to General Revenue Fund;

Amendment 3—On page 8, line 18, strike “and of each board”

Amendment 4—On page 8, strike all of lines 24 through and including line 27 and insert: (3)(4) Each board shall be charged 4 10 percent of all revenue collections (excluding refunds, grants, donations, etc.) made and credited to its account. The amount so charged shall be deposited in the General Revenue Fund unallocated.

(Renumber subsequent subsection.)

Amendment 5—On page 8, line 29, after “legislative budget” insert: *by division*

Amendment 6—On page 13, line 17, after the period (.) insert: This subsection shall operate pursuant to the provisions of s. 215.20 and s. 215.22(4).

Senator Dunn moved the following amendment:

Amendment 7—On page 16, strike all lines 9 through and including line 25, and insert: (1) All complaints alleging a violation of this chapter or any law specifically relating to a board in the Department of Professional Regulation shall be filed in writing with the department. If the department finds that complaint is legally sufficient, it shall conduct an appropriate investigation, if necessary, and then refer the complaint, its investigative report, and its recommendation to the appropriate board for a determination of probable cause. The board shall make the determination of probable cause within 30 days, but the secretary may grant extensions of that time limitation. If the board fails to make the determination within the time required, the secretary shall make the probable cause determination. Upon a finding of probable cause, the department shall initiate civil or administrative proceedings against the licensee in the manner provided by law. Either the department or the licensee may appeal the final order of the board as provided in chapter 120.

Senator Frank moved the following substitute amendment which failed:

Amendment 8—On page 16, line 21, after the period “.” insert: After such finding of the board, the affected party may appeal the finding to the department.

Senators Frank and Williamson offered the following substitute amendment which was moved by Senator Williamson and failed:

Amendment 9—On page 16, line 21, after “determination.” insert: The secretary shall by giving written notice to the board within 30 days of its decision have the power to initiate its own investigation and determination of probable cause.

The question recurred on Amendment 7 which failed. The vote was:

Yeas—16

Mr. President	Childers, D.	Jenne	Myers
Barron	Dunn	Johnston	Steinberg
Carlucci	Gordon	MacKay	Stuart
Chamberlin	Henderson	McKnight	Winn

Nays—21

Anderson	Hair	Scarborough	Trask
Childers, W. D.	Hill	Scott	Ware
Fechtcl	Holloway	Skinner	Williamson
Frank	Maxwell	Spicola	
Gorman	McClain	Thomas	
Grizzle	Poole	Tobiassen	

Vote after roll call:

Yea—Neal

Senator Dunn moved the following amendments which were adopted:

Amendment 10—On page 1 in title, line 18, insert: amending s. 215.22(4), Florida Statutes; designating trust fund;

Amendment 11—On page 1 in title, lines 23 and 24, strike “deleting a provision which requires” and insert: requiring

Senator Holloway moved the following amendments which were adopted:

Amendment 12—On page 14, strike line 17, and insert: services, when such services are available and approved by the board, to prepare,

Amendment 13—On page 14, strike line 11, and insert: it may be administered at such other times as the board or department

On motion by Senator Dunn, by two-thirds vote CS for SB 727 as amended was read the third time by title.

On motion by Senator Dunn, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1530 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform and Representative Sheldon and others—

HB 1530—A bill to be entitled An act relating to professional and occupational regulation; amending s. 20.06(2), Florida Statutes, deleting certain powers of examining and licensing boards; amending s. 20.30, Florida Statutes, 1978 Supplement, renaming the Department of Professional and Occupational Regulation; abolishing the Division of Occupations and bureaus within the Division of General Services; creating the Division of Legal Services of the department; providing for directors of the divisions of the department; increasing the number of lay members on boards; amending s. 120.57(1)(a), Florida Statutes, 1978 Supplement, and adding a subsection, prohibiting any board within the department from conducting either formal or informal hearings; amending s. 215.37, Florida Statutes, 1978 Supplement, providing for the deposit of certain fees and other moneys in a Professional Regulatory Trust Fund; providing for finances and budgeting of the department; deleting a provision which requires each board to pay a percentage of its revenues into the General Revenue Fund; requiring the department to pay a percentage; requiring the maintenance of separate revenue accounts for each regulated profession; providing for reports; reorganizing chapter 455, Florida Statutes, and renumbering sections thereof; creating part I and part II of chapter 455, Florida Statutes, relating to the department; amending s. 455.001, Florida Statutes, providing legislative intent; creating s. 455.102, Florida Statutes, providing duties of the department with respect to the boards and regulated professions; authorizing the department to challenge rules of boards; amending s. 455.004, Florida Statutes, providing for contact of boards through regional offices; amending s. 455.007, Florida Statutes, requiring the department to perform certain administrative functions for the boards; providing the duties of the Division of Legal Services;

requiring the Department of Legal Affairs to legally assist the boards; authorizing the department to employ assistance outside the department; granting the department certain investigatory powers; deleting provisions which relate to the use of legal services of the department by boards and which permit the boards to not use the department's investigative services; creating s. 455.105, Florida Statutes, requiring the department to issue licenses; providing hearing procedures with respect to licensing; providing witness immunity; amending s. 455.013, Florida Statutes, providing a procedure for receipt of complaints and determinations thereon by a panel of members of the appropriate board or by the department prior to a hearing; providing for issuance of final orders; authorizing judicial review; requiring periodic notification of the complainant; providing for informal dispositions of complaints; authorizing the department to file and pursue complaints whether written or oral; providing for confidentiality and its waiver; providing for publication of notice; providing witness immunity; creating s. 455.1065, Florida Statutes, authorizing the appropriate board to intervene in a proceeding regarding the issuance of a license; amending s. 455.05, Florida Statutes, expanding the applicability of provisions relating to evidence of licensure to all boards; creating ss. 455.108 and 455.109, Florida Statutes, requiring places of business established under a license by the department to post certain notices at their places of business; providing a penalty; exempting the boards and their members from liability; amending ss. 455.01 and 455.011, Florida Statutes, to conform to the act; amending s. 455.012, Florida Statutes, deleting provisions relating to the eligibility of aliens to engage in professions and occupations; amending ss. 455.016 and 455.02, Florida Statutes, to conform to the act; repealing s. 455.014, Florida Statutes, which requires the department to assist Cubans to become eligible for licensure; repealing s. 455.03, Florida Statutes, which exempts certain war veterans from examination requirements; repealing s. 455.04, Florida Statutes, relating to enforcement of certain health laws; repealing s. 455.08, Florida Statutes, relating to the confidentiality of certain records; repealing s. 455.09, Florida Statutes, relating to terms of licenses to conform to the act; renumbering ss. 455.06 and 455.07, Florida Statutes, to transfer provisions relating to liability insurance of the state and its political subdivisions and expenses of the Department of Legal Affairs to the appropriate chapters; requiring the relocation of certain boards; transferring investigative functions to the Division of Legal Services; transferring the personnel, records, property, and funds from each board to the department; granting the department certain powers during the reorganization period necessitated by the act; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

Senator Dunn moved that the rules be waived and HB 1530, a companion to CS for SB 727, be withdrawn from the Committee on Governmental Operations. The motion failed.

SPECIAL ORDER, continued

CS for SB 727—A bill to be entitled An act relating to professional and occupational regulation; amending s. 20.06(2), Florida Statutes; deleting certain powers of examining and licensing boards; amending s. 20.30, Florida Statutes, 1978 Supplement; creating the Department of Professional Regulation; creating the Bureau of Investigation and Inspection and the Bureau of Fiscal Affairs of the Division of General Services of the department; abolishing the Bureau of Legal Services of such division and creating the Division of Legal Affairs of the department; abolishing the Division of Occupations of the department; providing for directors of the divisions of the department; providing for lay persons to serve as members on boards within the department; amending s. 215.22(4), Florida Statutes; designating trust fund; amending s. 215.37, Florida Statutes, 1978 Supplement; deleting a definition; providing for the deposit of certain revenues in a Professional Regulation Trust Fund; providing for finances and budgeting of the department; requiring each examining and licensing board to pay a percentage of its revenues into the General Revenue Fund; deleting legislative intent; amending s. 455.001(3), Florida Statutes; limiting the authority of boards; creating ss. 455.0111-455.0116, Florida Statutes; prescribing composition, powers, and duties of boards; authorizing boards to adopt rules; providing for personnel; authorizing boards to establish fees; providing for disposition of fees; prescribing requirements for examinations;

providing for licensure; prescribing disciplinary procedures; amending s. 455.012, Florida Statutes; prohibiting disqualification based solely on citizenship; providing for continuity of pending actions; transferring personnel, records, property, and funds from boards in the Department of Professional and Occupational Regulation to the Department of Professional Regulation; providing that this act does not supersede repeal under Regulatory Reform Act; providing method and time for reorganization; continuing rules; providing for transfer of board locations; repealing ss. 455.007, 455.011, 455.014, 455.09, Florida Statutes, which sections provide functions of bureaus within department, confidentiality of examination information, legislative findings and intent regarding foreign-speaking Florida residents, and staggered biennial renewal of licenses; providing a retroactive effective date.

—which passed as amended, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—1

Fechtel

On motions by Senator Henderson, by two-thirds vote SB 294 was removed from the special order calendar and by two-thirds vote recommitted to the Committee on Governmental Operations.

CO-INTRODUCERS

Senators Stuart, MacKay, Don Childers, and Frank—SB 26; Senator Maxwell—SB 365; Senators Fechtel and Gorman—SB 486; Senator Scarborough—SB 555; Senator Hair—SB 592; Senators Barron and W. D. Childers—SB 622; Senator Neal—SB 685; Senator Steinberg—SB 212; Senator Williamson—SB 364; Senator Fechtel—CS for SB 120; Senator Spicola—SB 554.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 13 was corrected and approved as follows:

Page 119, column 1, strike lines 3 through 6 and insert: ants; reviving and readopting chapter 473, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; providing a retroactive effective date.

Page 119, column 1, line 15, after "employment" insert: shall be disqualified for unemployment

The Journal of April 12 was further corrected and approved as follows:

Page 105, lines 4 and 13, from bottom of column 2, strike "HB" and insert: SB

The Journal of April 10 was further corrected and approved as follows:

Page 104, column 1, between lines 14 and 15 insert: 041(7), Florida Statutes, relating to the Clinical Laboratory

The Journal of April 9 was further corrected and approved as follows:

Page 92, column 1, line 2, strike "HB" and insert: SB

On motion by Senator Barron, the Senate adjourned at 11:56 a.m. to convene at 8:30 a.m., Thursday, April 19, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.